srp.

HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5941 OF 2007.

Amol Panditrao Aamle. Petitioner.

Versus.

Maharashtra State Council of Examinations and others. ..Respondents.

Ms. Gauri Godse for the petitioner.

R. D. Rane A.G.P. for the State.

CORAM: S. B. MHASE & D.G.KARNIK,JJ.

DATE: AUGUST 16, 2007.

P.C.

1. Heard learned counsel for the petitioner. The petitioner has been debarred by an order dated 31st March 2007 / 7th April 2007 from appearing for the D.Ed. Examination for a period of two years for certain misconducts committed by the petitioner in the examination. The show cause notice dated 22nd January 2007 in respect of the misconduct was sent to the petitioner, wherein it has been informed to the petitioner that pages of the answer-book appear to have been changed and the perforated markings on the answer book of the Board are not tallying with each other. Not only that the paper of the front page and the inner pages of the answer took are also different. The paging of the answer book is not correct. The stitching of the answer papers has been removed and

instead it has been stapled thereby it appears that the answer book is written outside the Examination Hall - Centre and/or the pages have been changed and the answer books are tampered with. The statement of the petitioner was recorded. Though the petitioner has denied the misconduct the petitioner has accepted that the answer book, i.e., to say that the main answer book and the supplements thereto are of the petitioner. Thus, it is accepted that the answerbook with the Board is the same answer book which has been tendered by the petitioner in the examination hall. Under these circumstances it is for the petitioner to explain the discrepancies. The petitioner cannot get rid of all those discrepancies by saying that the petitioner has not committed them and has not committed any misconduct. Since the answerbook has been admitted to be that of the petitioner, it was for the petitioner to explain those discrepancies. We find that enquiry has been properly conducted. The answer book was also shown to the petitioner and thereafter the appropriate decision has been taken by the Board. We, therefore, refrain to entertain the petition. Petition is hereby rejected.

(D.G.KARNIK, J.) **(S.B.MHASE, J.)**